



**CITY COUNCIL,**  
**LIBRARY BOARD, HOUSING AUTHORITY BOARD,**  
**AND THE CITY COUNCIL REPRESENTING**  
**THE REDEVELOPMENT SUCCESSOR AGENCY**  
**CALL & NOTICE OF A SPECIAL MEETING**

NOTICE IS HEREBY GIVEN that the Mayor/Chairman of the City of Rancho Mirage City Council has called a Special Meeting:

**TUESDAY, December 29, 2015**

**1:00 P.M.**

**CITY OF RANCHO MIRAGE COUNCIL CHAMBER**  
**69-825 HIGHWAY 111, RANCHO MIRAGE, CALIFORNIA**

**SUMMARY OF AGENDA**

**NON-AGENDA PUBLIC COMMENT**

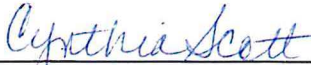
**ACTION CALENDAR**

1. City Council Consideration of Arguments Regarding CV Link Ballot Measures 1, 2, 3 & 4, as Prepared by Mayor G. Dana Hobart for Publication and Distribution Pursuant to the California Elections Code.

THIS NOTICE AND THE AGENDA WILL BE POSTED ON THE CITY HALL BULLETIN BOARD AT LEAST 24-HOURS BEFORE COMMENCEMENT OF THE MEETING.

**NO OTHER BUSINESS WILL BE CONDUCTED AT THIS STUDY SESSION.**

Dated: December 28, 2015

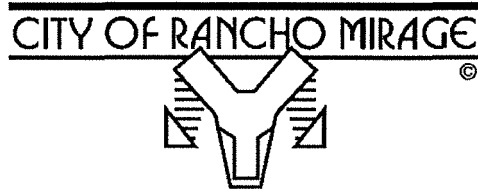
  
\_\_\_\_\_  
Cynthia Scott, CMC  
City Clerk

**DECLARATION OF POSTING**

I, Cynthia Scott, City Clerk, of the City of Rancho Mirage, do hereby declare that a copy of the foregoing SPECIAL MEETING was both personally delivered to the legislative bodies and posted on the City Hall bulletin board on Dec. 28, 2015 11:45 Am

# AGENDA

👉 PLEASE SILENCE CELL PHONES, ELECTRONICS, ETC. 👈



## STAFF REPORT

TO: Hon. Mayor G. Dana Hobart  
Members of the City Council

DATE: December 29, 2015

FROM: Randal K. Bynder, City Manager *RKB*

SUBJECT: Arguments Regarding CV Link Ballot Measures

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### SPECIFIC REQUEST OR RECOMMENDATION:

That the City Council consider and approve the arguments regarding CV Link Ballot Measures 1, 2, 3 & 4, which were prepared by Mayor G. Dana Hobart for publication and distribution pursuant to the California Elections Code on behalf of the Rancho Mirage City Council.

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### BACKGROUND

#### *Ballot Measures*

The City Council previously adopted the requisite resolutions placing four CV Link-related measures on the ballot for Rancho Mirage General Municipal Election scheduled for April 12, 2016. Measure 1 (below) is a binding measure, whereas Measures 2, 3 and 4 (below) are advisory measures.

<b>MEASURE 1 (BINDING)</b>	
Shall the City of Rancho Mirage require that any future amendment or repeal of Ordinance No. 1099, which currently prohibits Neighborhood Electric Vehicles (not including golf carts) on or adjacent to certain designated streets including Highway 111, Bob Hope Drive; Country Club Drive; Da Vall Drive; Dinah Shore Drive; Frank Sinatra Drive; Gerald Ford Drive; Magnesia Falls Drive; Monterey Avenue; Plumley Road, and others, be subject to prior voter approval?	<input type="checkbox"/> YES
	<input type="checkbox"/> NO

<b>MEASURE 2 (ADVISORY)</b>	
Do you approve of the Coachella Valley Association of Governments (CVAG) spending One Hundred Million Dollars (\$100,000,000) or more to construct the CV Link, plus, according to the March 2015 Master Plan, an additional \$1.6 million annually to operate and maintain the CV Link pathway, which CVAG proposes to extend through Rancho Mirage business and residential districts?	<input type="checkbox"/> YES
	<input type="checkbox"/> NO

**MEASURE 3  
(ADVISORY)**

If CV Link were to be constructed, would you approve the City Council committing Rancho Mirage to pay for CV Link's annual operations and maintenance expenses, which on April 6, 2015, CVAG projected Rancho Mirage's share to be between \$110,300 and \$251,800 per annum as of the 9<sup>th</sup> year of operations, and continuing to increase annually at the rate of inflation?

☐ YES☐ NO**MEASURE 4  
(ADVISORY)**

Because in 2002 County voters approved Measure A, which is a ½ cent increase in our sales tax to be used to repair dilapidated and crumbling roads and highways in the Coachella Valley, should CVAG be allowed to divert up to \$20 million dollars (\$20,000,000) from this Measure A fund, to pay for the construction of the Neighborhood Electric Vehicles portion of the CV Link?

☐ YES☐ NO***Ballot Arguments***

The city council, any council member, any registered voter, any bona fide association of citizens, or any combination of voters and associations may file a written argument for or against any of the above measures. The argument for each measure must be distributed to voters along with each sample ballot. An argument cannot exceed 300 words.

Each argument must be accompanied by the names and signatures of the authors for the City Clerk to accept it. The deadline for submittal of arguments is 14 days from the date of calling the election, which in this case is December 31, 2015.

If more than one argument is submitted for or against any of the measures, the City Clerk must select only one argument, using the following order of priority of the argument's signatories:

1. The city council, or any member or members of the council authorized by the city council;
2. The bona fide sponsor of the measure;
3. Bona fide associations of citizens; and
4. Individual voters eligible to vote on the measure.

Arguments may be signed by up to five persons. Persons signing a ballot argument may identify themselves by both name and affiliation, and city council members may identify themselves as such with or without the consent of the city council.

Notwithstanding the above, the City Attorney recommends that the city council consider and approve the arguments regarding CV Link Ballot Measures 1, 2, 3 & 4, which were prepared by Mayor G. Dana Hobart for publication and distribution pursuant to the California Elections Code on behalf of the Rancho Mirage City Council. If approved, then each city council member should sign each argument and list his/her title as "Rancho Mirage City Council Member."

**ATTACHMENTS:**

- Argument For Measure 1
- Argument Against Measure 2
- Argument Against Measure 3
- Argument Against Measure 4

## CV Link - Measure 1 Argument

Neither the Rancho Mirage City Council nor our residents were ever asked by the Coachella Valley Association of Governments (CVAG) to approve their 50-mile, 20-to-30-foot wide CV Link as a valley-wide project for bicyclists, electric vehicles and pedestrians.

The cost of this extraordinarily expensive venture was projected by CVAG on October 1, 2013, to cost \$70 million; months later the projection was at \$80 million; then \$90 Million; and currently \$100 million. Not to mention the projected \$1.6 million in annual operations and maintenance expenses that would be divided among eight cities and the County.

Contrary to CVAG's false claims, the vast majority of the money thus far raised by CVAG would be available for other local projects the Coachella Valley sorely needs. Virtually all of it comes from governmental tax sources.

A majority of CVAG's Executive Committee has stubbornly refused to acknowledge the negative impact on traffic flow on Highway 111, turning our Public Library into a restroom stop, impeding the entrance to our fire station, and excessive traffic in residential communities. No other city is remotely similarly impacted.

After being convinced that CVAG was adamant on routing CV Link along Highway 111 to Bob Hope Dr., and north to San Jacinto Dr. and back to Highway 111 and our Library, and then continuing west on Highway 111, the council voted 5-0 to ban the route as unsafe within our business community and disruptive in our residential communities.

Rejecting our city council's decision to protect our quality of life, CVAG voted to waste \$150,000 on an environmental study examining the exact route the council has prohibited.

To give our residents peace of mind and increased protection, "Yes on Measure 1" will place future route decisions in the hands of residents rather than the politics of future city councils.

For your long term protection, vote "Yes" on Measure 1.

## CV Link - Measure 2 Argument

The City Council seeks your views concerning the CV Link. Coachella Valley Association of Governments (CVAG), the lead agency and creator of the CV Link project, must also understand where the public stands.

The question of over-all “costs” is quite murky. Measure 2 identifies construction costs of \$100 million “or more.” The phrase “or more” is significant. In a grant contract document signed October 1, 2013, by the CVAG Executive Director, it states: “The total cost of this project is estimated at \$70 million.” Later, the projection increased to \$80 million; then up to \$90 million. Now it is routinely projected to cost \$100,000,000. What the final cost will be is anyone’s guess.

Measure 2 also references \$1.6 million of Operations and Maintenance (O&M) expenses in the first full year of operation. This figure, calculated by CVAG’s retained experts, is reported in the March 2015 CV Link Master Plan and was later “recommended” for approval by the Executive Director in an April 2015 report he authored. (Once Rancho Mirage began referencing these future O&M figures, CVAG’s leadership got nervous and began claiming to make reductions in projected costs. Those “reductions” are both cosmetic and superficial. Actually, the \$1.6 million is grossly inadequate because it includes no costs for police, security, medics or insurance, etc.)

CVAG readily saw that averaging approximately \$178,000 in O&M costs over each of the eight cities and the County was beyond the capability of some. In response, on April 6, 2015, the Executive Director introduced and recommended a progressive bed tax formula that placed 90% of the entire O&M expense on five cities, including Rancho Mirage. Rancho Mirage’s share was to be between \$110,300 and \$251,800 as of the 9<sup>th</sup> year, increasing annually.

Should Rancho Mirage assume the long-term economic obligations this project imposes on the cities?

We recommend a “No” vote on Measure 2.



## CV Link - Measure 3 Argument

Measure 3 assumes that with or without the approval of Rancho Mirage, the CV Link gets constructed. Do the Operations and Maintenance (O&M) expenses appear reasonable, if the city were to consider joining?

Coachella Valley Association of Governments (CVAG) leadership still has not settled on a plan or formula that lays out the amount of annual O&M each city would be responsible for paying. One plan was recommended by the CVAG Executive Director on April 6, 2015, but it has not yet been voted on by the CVAG Executive Committee. That plan is the progressive bed tax formula which projects Rancho Mirage's share, as of the 9<sup>th</sup> year of operation, to be between \$110,300 and \$251,800. It would increase annually based on that formula. This plan has five cities (Palm Springs, Palm Desert, Indian Wells, Rancho Mirage and La Quinta) paying about 90% of the entire O&M expense.

Another approach is based on CV Link miles in a given city. CVAG's retained experts calculated that "Total Per Mile" cost of O&M amounts to \$33,600 per mile of CV Link. Thus, a city with 5 miles of CV Link within it, its O&M expense would be \$168,000 per year. Few cities are capable of absorbing such a long-term financial burden.

The financial problem is further exacerbated; What happens if the nine jurisdictions agreed on the amount of O&M expense each would assume, and later a city decides it can no longer tolerate the financial burden? How would that affect Rancho Mirage's annual amount? Or, if a city files for bankruptcy and leaves the program, who picks up that financial slack? Or if some private LLC or other business entity contracted to assume some or all of the O&M burden but later quit paying for any of a number of reasons?

We recommend a "No" vote on Measure 3.



## CV Link - Measure 4 Argument

In 2002 Riverside County voters approved Measure A, a ½ cent increase in our sales taxes. Measure A mandates that this money “will be used for State highways and regional road improvements.” The Coachella Valley Association of Governments (CVAG) will receive about \$19 million of these Measure A funds during FY 2015-2016 and CVAG plans to give \$20 million to CV Link.

CVAG is currently rewriting the rules to build an argument in support of their effort to divert over \$20 million of our Measure A funds to help build the brand new CV Link; money which was promised to be spent on repairing and replacing dilapidated roadways, intersections and bridges in the Coachella Valley. Never before have our Regional Measure A funds been spent on an utterly brand new project.

CVAG is charged with protecting our Regional Measure A funds and distributing them among the 250 identified and prioritized unsafe roadways in the Coachella Valley. With the advent of the CV Link, however, CVAG has abandoned its role as a sentry guarding our Regional Measure A funds to becoming the fox guarding the hen house. CVAG was entrusted to protect our funds and it has failed.

CVAG justifies this abandonment of established policy in favor of constructing two lanes of travel (7' wide each) on the CV Link for Neighborhood Electric Vehicles (NEVs). NEVs must be licensed and insured, have turn signals, capable of reaching 25MPH, etc.

Furthermore, as CVAG concedes, there are only 440 NEVs registered in the Coachella Valley; most are probably being used commercially. They are a dying breed of vehicle according to CVAG and sales authorities in the field. As CVAG's NEV Plan states, “the NEV fleet has not grown over the last decade.”

We recommend a “No” vote on this effort to misuse Measure A funds.